

UNITED STATES DISTRICT COURT

for the

Western District of Texas

MIDLAND Division

FILED
OCT 07 2022
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]*
DEPUTY

BRACEY L. MYLES

Case No. 7:22-cv-00215

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

NC CUMBERLAND CO CSE AGENCY,
TREZONNA MCMILLER

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT AND REQUEST FOR INJUNCTION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	BRACEY L MYLES
Street Address	1002 N MAIN ST, 24
City and County	BIG SPRING, HOWARD
State and Zip Code	TEXAS, 79720
Telephone Number	3148289960
E-mail Address	braceylmyles@icloud.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	NC CUMBERLAND CO CSE AGENCY
Job or Title <i>(if known)</i>	STATE AGENCY
Street Address	209 BRADFORD AVENUE PO BOX 1829
City and County	FAYETTEVILLE, CUMBERLAND
State and Zip Code	NORTH CAROLINA, 28302
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 2

Name	TREZONNA MCMILLER
Job or Title <i>(if known)</i>	N/A
Street Address	UNKNOWN
City and County	UNKNOWN
State and Zip Code	UNKNOWN
Telephone Number	N/A
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☐

Federal question

☒

Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, *(name)* BRACEY L. MYLES, is a citizen of the
State of *(name)* TEXAS.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated
under the laws of the State of *(name)* _____,
and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)* TREZONNA MCMILLER, is a citizen of
the State of *(name)* _____. Or is a citizen of
(foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) NC CUMBERLAND CO CSE AGENCY, is incorporated under the laws of the State of (name) NORTH CAROLINA, and has its principal place of business in the State of (name) STATE AGENCY.
Or is incorporated under the laws of (foreign nation) _____,
and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

REFERRED IN FACTS*

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

FAYETTEVILLE, NC

B. What date and approximate time did the events giving rise to your claim(s) occur?

AUGUST 1, 2017

- C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

Plaintiff has made multiple attempts to request a paternity test in regards to establishing a court order rebuttal; during and after the three year statutory period allotted for an incontestable child support order within the state of NORTH CAROLINA.

Defendant, NC CUMBERLAND CO CSE AGENCY, in gross negligence, continues to enforce payments of court rewards to secondary defendant, TREZONNA MCMILLER, with no knowing of here whereabouts and without establishing paternity. There actions are in direct violation of:
42 U.S. Code § 667 &
G.S. 50-13.4

"judge may not order support to be paid by a person who is not the child's parent or a n agency, organization or institution standing in loco parentis absent evidence and a finding that such person, +

IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

Plaintiff has suffered irreparable injury over a time-span of more than three years due to the gross negligence and alleged perjury of the defendants. Plaintiff has been subjected to; chronic homelessness, inability to maintain employment, and simply robbed of the benefit of the doubt along with his right to due process.

Plaintiff injuries include, but are not limited to:

1. loss of income
2. loss of future income and earning potential
3. mental anguish

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Plaintiff asks that he may be awarded by this court injunctive relief in the form of a case removal from state jurisdiction to federal regarding NORTH CAROLINA CASE #3705117cvd000093.

Plaintiff asks that he may be awarded by this court actual damages in an amount less than or equal to \$30,000 since the three year period to contest the child support order has ended.

Plaintiff asks that he may be awarded by this court exemplary damages in the amount no greater than the sum of all payments plaintiff has mad under this child support order, or any amount deemed satisfactory by this court, if paternity cannot be established and this case can not be transferred.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 10/07/2022

Signature of Plaintiff

Printed Name of Plaintiff


BRACEY L MYLES

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address